

REMARKS

Claims 32-39 are presented for consideration, with Claims 32, 34, 36 and 38 being independent.

The independent claims have been amended to further distinguish Applicant's invention from the cited art. Support for the claim amendments can be found, for example, in Figure 3 and the accompanying specification beginning on page 10, line 6 of the specification.

Claims 32-39 stand rejected under 35 U.S.C. §103 as allegedly being obvious over Anderson '769, Applicant's admitted prior art and Masimo '404. This rejection is respectfully traversed.

Applicant's invention as set forth in Claim 32 relates to an image processing apparatus comprised of an image capture unit, a memory adapted to store a first image captured by the image capture unit, a first superimposing unit adapted to superimpose a second image on the first image read from the memory, and a second superimposing unit adapted to superimpose a third image on the first image read from the memory. In addition, a display unit is adapted to display the first image, on which the second image is superimposed, and an outputting unit is adapted to output the first image, on which the third image is superimposed, from the image processing apparatus.

As amended, Claim 32 recites that when capturing an image, the image processing apparatus rotates the second image in a first direction according to a position of the image capture unit, superimposes the rotated second image on the first image, and displays the first image, on which the rotated second image is superimposed, on the display unit, and at the

same time, rotates the first image in a direction opposite to the first direction, superimposes the third image without rotation on the rotated first image, and outputs the rotated first image, on which the third image is superimposed without rotation, from the outputting unit.

In this manner, Applicant's claimed image processing apparatus is capable of displaying the first image and outputting the rotated first image simultaneously when an image is being captured.

As discussed in the previous Amendment of February 17, 2005, the primary patent to Anderson relates to a method and system for auto-rotating a graphical user interface for managing portrait and landscape images in an image capture unit. As understood, Anderson rotates an image and text so as to be displayed in the same orientation. The Office Action asserts that a superimposing unit and display of a second image superposed on a first image are inherently taught.

Applicant's admitted prior art is directed to a system in which images output to a liquid crystal display (LCD) panel and a TV monitor are identical, and is cited for teaching that an image (image data) with a superimposed third image (text) is outputted to the TV monitor.

The secondary citation to Masimo relates to a display apparatus with a rotatable display screen and is relied upon for rotating a functional message data in an opposite direction corresponding to the direction of an image without rotating the image data.

Even assuming, *arguendo*, the art could have been combined in the manner proposed in the Office Action, such a combination still fails to teach or suggest, among other features, an image processing apparatus capable of displaying a first image and outputting a

rotated first image simultaneously when capturing an image, as set forth in Claim 32. More specifically, Claim 32 recites that when capturing an image, the image processing apparatus rotates a second image in a first direction according to a position of the image capture unit, superimposes the rotated image on the first image and displays the first image, on which the rotated second image is superimposed, on the display unit, and at the same time, rotates the first image in a direction opposite to the first direction, superimposes the third image without rotation on the rotated first image, and outputs the rotated first image, on which the third image is superimposed without rotation, from the outputting unit.

Independent Claims 34, 36 and 38 have been amended along the same lines as Claim 32 to also perform capturing of an image as a first image is displayed and the rotated first image is outputted simultaneously.

Accordingly, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §103 is deemed to be in order and such action is respectfully requested.

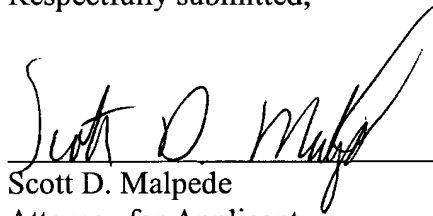
Therefore, Applicant's invention as set forth in independent Claims 32, 34, 36 and 38 is submitted to be patentable over the cited art. In addition, dependent Claims 33, 35, 37 and 39 set forth additional features of Applicant's invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Appln. No.: 09/266,269

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott D. Malpede", is written over a horizontal line.

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